

**FORM TO BE USED BY A PRISONER IN FILING A  
CIVIL RIGHTS COMPLAINT**

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

ERIC KELLEY

(Enter above the full name of the plaintiff in this action)

**COMPLAINT**

v.

NORTHERN STATE PRISON  
DEPARTMENT OF CORRECTIONS  
ADMINISTRATOR PAUL LAGANA  
CHAPLAIN SUPERVISOR BARRY ALSTON  
(JOHN DOE) (JANE DOE)

(Enter above the full name of the defendant or defendants  
in this action)

Civil Action No. \_\_\_\_\_

(To be supplied by the Clerk of the Court)

**RECEIVED**

**JUN 17 2013**

AT 8:30 \_\_\_\_\_ M  
WILLIAM T. WALSH, CLERK

**INSTRUCTIONS -- READ CAREFULLY**

1. This complaint must be legibly handwritten or typewritten, signed by the plaintiff and subscribed to under penalty of perjury as being true and correct. All questions must be answered concisely in the proper space on the form. Where more space is needed to answer any question, attach a separate sheet.
2. In accordance with Rule 8 of the Federal Rules of Civil Procedure, the complaint should contain (1) a short and plain statement of the grounds upon which the court's jurisdiction depends, (2) a short plain statement of the claim showing that you are entitled to relief, and (3) a demand for judgment for the relief which you seek.
3. You must provide the full name of each defendant or defendants and where they can be found.
4. You must send the original and one copy of the complaint to the Clerk of the District Court. You must also send one additional copy of the complaint for each defendant to the Clerk. Do not send the complaint directly to the defendants.
5. Upon receipt of a fee of \$350.00, your complaint will be filed. You will be responsible for service of a separate summons and copy of the complaint on each defendant. See Rule 4, Federal Rule of Civil Procedure.

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so that the Marshal can locate and serve each defendant. If the forms are sent to you, you must complete them in full and return the forms to the Marshal.

QUESTIONS TO BE ANSWERED

1. Jurisdiction is asserted pursuant to (CHECK ONE)

☒ 42 U.S.C. § 1983 (applies to state prisoners)

☐ Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics,  
403 U.S. 388 (1971) and 28 U.S.C. § 1331 (applies to federal prisoners)

If you want to assert jurisdiction under different or additional statutes, list these below:

\_\_\_\_\_

2. Previously Dismissed Federal Civil Actions or Appeals

If you are proceeding in forma pauperis, list each civil action or appeal you have brought in a federal court while you were incarcerated or detained in any facility, that was dismissed as frivolous or malicious, or for failure to state a claim upon which relief may be granted. Please note that a prisoner who has on three or more prior occasions, while detained in any facility, brought an action or appeal in a federal court that was dismissed as frivolous or malicious, or for failure to state a claim upon which relief may be granted, will be denied in forma pauperis status unless that prisoner is under imminent danger of serious physical injury. See 28 U.S.C. § 1915(g).

- a. Parties to previous lawsuit:

Plaintiff(s): N/A

Defendant(s): \_\_\_\_\_

- b. Court and docket number: N/A

- c. Grounds for dismissal: ( ) frivolous ( ) malicious ( ) failure to state a claim upon which relief may be granted

- d. Approximate date of filing lawsuit: N/A

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e. Approximate date of disposition: N/A

If there is more than one civil action or appeal, describe the additional civil actions or appeals using this same format on separate sheets.

3. Place of Present Confinement? NORTHERN STATE PRISON, 168 FRONTAGE RD. P.O. Box 2300  
NEWARK, N.J. 07114 B-1-WEST

4. Parties

(In item (a) below, place your name in the first blank and place your present address in the second blank. Do the same for additional plaintiffs, if any.)

a. Name of plaintiff: ERIC KELLEY

Address: NORTHERN STATE PRISON, 168 FRONTAGE RD. P.O. Box 2300  
NEWARK, N.J. 07114

Inmate #: 280249

b. First defendant -- name: PAUL LAGANA

Official position: ADMINISTRATOR, NORTHERN STATE PRISON

Place of employment: NORTHERN STATE PRISON

How is this person involved in the case?

(i.e., what are you alleging that this person did or did not do that violated your constitutional rights?)

HE OVERSEE'S PRISON STAFF

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c. Second defendant -- name: BARRY ALSTON  
Official position: CHAPLAIN SUPERVISOR  
Place of employment: NORTHERN STATE PRISON, 168 FRONTAGE RD. P.O. BOX 2300  
NEWARK, N.J. 07114  
How is this person involved in the case?  
(i.e., what are you alleging that this person did or did not do that violated your constitutional rights?)  
THIS INDIVIDUAL DENIED ME ACCESS TO PRACTICE MY RELIGIOUS  
PRACTICE OF THE JEWISH FAITH.

d. If there are more than two defendants, attach a separate sheet. For each defendant specify: (1) name, (2) official position, (3) place of employment, and (4) involvement of the defendant.

5. I previously have sought informal or formal relief from the appropriate administrative officials regarding the acts complained of in the Statement of Claims on page 6.

☒ Yes ☐ No

If your answer is "Yes," briefly describe the steps taken, including how relief was sought, from whom you sought relief, and the results.

1.) I SUBMITTED A INMATE REQUEST FORM (NO ANSWER)  
2.) I SECONDLY SUBMITTED AN INMATE REMEDY FORM WITH NO RESPONSE.

If your answer is "No," briefly explain why administrative remedies were not exhausted.

N/A

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6. Statement of Claims

(State here as briefly as possible the facts of your case. Describe how each defendant violated your rights, giving dates and places. If you do not specify how each defendant violated your rights and the date(s) and place of the violations, your complaint may be dismissed. Include also the names of other persons who are involved, including dates and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Use as much space as you need. Attach a separate sheet if necessary.)

MY CLAIM IS THAT THE ABOVE DEFENDANTS DEPRIVED ME OF THE RIGHT TO PRACTICE THE JEWISH FAITH. ON JANUARY OF 2013 I REQUESTED VIA IN PERSON TO CHAPLAIN BARRY ALSTON, TO BE ADMITTED INTO THE INMATE PROGRAM FOR JEWS. ON AUGUST 2, 2012 I SUBMITTED AN INMATE REQUEST FORM EXPRESSING ONCE AGAIN TO PARTICIPATE IN SAID PROGRAM. SUBSEQUENTLY MY REQUEST WAS RETURNED SPECIFYING TO FILL OUT THE SPECIAL DIET FORM. ON MARCH 1, 2013, I ONCE AGAIN SUBMITTED MY REQUEST VIA INMATE REQUEST THAT WAS RETURNED DENIED ON MARCH 25, 2013. THEREAFTER I WROTE A LETTER TO THE INMATE OMBUDSMAN WHICH WAS SUBSEQUENTLY ANSWERED AND MY CONCERNS PLACED ON THE RECORD.

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7. Relief

(State briefly exactly what you want the Court to do for you. Make no legal arguments. Cite no cases or statutes.)

I RESPECTFULLY REQUEST THAT THE COURT ORDER GRANT A "WRIT"  
DIRECTING THE INSTITUTION TO ALLOW ME TO PARTICIPATE IN THEIR  
INMATE JEWISH PROGRAM. DECLARATORY JUDGEMENT,  
AND NOMINAL JUDGEMENT.

8. Do you request a jury or non-jury trial? (Check only one)

☒ Jury Trial

☐ Non-Jury Trial

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 12 day of JUNE, 200 13.

Eric Kelley  
Signature of plaintiff<sup>1</sup>

<sup>1</sup> EACH PLAINTIFF NAMED IN THE COMPLAINT MUST SIGN THE COMPLAINT HERE. ADD ADDITIONAL LINES IF THERE IS MORE THAN ONE PLAINTIFF. REMEMBER, EACH PLAINTIFF MUST SIGN THE COMPLAINT.